

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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FALLS LAKE NATIONAL INSURANCE COMPANY, CIV: 1:21-cv-01396-JGK

Plaintiff,

JUDGMENT

-against-

RIYA CONSTRUCTION CORP., 7 WEST 82 LLC

Defendants,

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USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>6/10/2021</u>

This action having been commenced on February 17, 2021 by plaintiff FALLS LAKE NATIONAL INSURANCE COMPANY by the filing of the Summons and Complaint (ECF Doc. # 1) and a copy of the Summons and Complaint having been served on defendants RIYA CONSTRUCTION CORP. and 7 WEST 82 LLC, by service on the Secretary of State of the State of New York, as authorized agent to accept service of process, and proof of service having been filed (ECF Doc. # 8-9); and

Defendants RIYA CONSTRUCTION CORP. and 7 WEST 82 LLC having failed to answer the Complaint, and the time for answering the Complaint having expired, whereupon the Clerk of the Court issued on March 29, 2021 a Certificate of Default (ECF Doc. # 11); and

Plaintiff FALLS LAKE NATIONAL INSURANCE COMPANY having moved for judgment by proposed Order to Show Cause submitted on April 22, 2021 (ECF Doc. # 13), which Order to Show Cause was issued by Judge John G. Koeltl on April 23, 2021 (ECF Doc. # 14), which Order to Show Cause and supporting papers of the Declaration of Steven Verveniotis dated April 22, 2021 (ECF Doc. # 13-1), the affidavit of Kevin Diggins sworn to on April 22, 2018 (ECF Doc. # 13-2), and plaintiff's memorandum of law (ECF Doc. # 13-3)

were all served upon defendants RIYA CONSTRUCTION CORP. and 7 WEST 82 LLC on April 26, 2021 and an affidavit of service having been filed in that respect (ECF Doc. # 15), and no opposition having been filed by either defendant, it is hereby

ORDERED, ADJUDGED AND DECLARED that the motion of FALLS LAKE NATIONAL INSURANCE COMPANY for a judgment against RIYA CONSTRUCTION CORP. and 7 WEST 82 LLC is hereby granted; and it is

ORDERED, ADJUDGED AND DECLARED that FALLS LAKE NATIONAL INSURANCE COMPANY has no obligation to afford defense or indemnification to RIYA CONSTRUCTION CORP., or 7 WEST 82 LLC under the policy of insurance issued by FALLS LAKE NATIONAL INSURANCE COMPANY to RIYA CONSTRUCTION CORP., numbered CPP 1201128 10, as to the damage, loss and claims asserted in the underlying action captioned 7 West 82 LLC v. Riya Construction Corp., pending before the Supreme Court of the State of New York, County of New York, under Index Number 650368/2017, or any loss or damage which occurred at 7 West 82nd Street, New York, New York (the “7 West Claim”).

Dated: June 7, 2021


JOHN G. KOELTL, U.S.D.J.

The Clerk is directed to close this Case.


6/7/21 U.S.D.J.